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Attorney for Defendant
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
)
OBDULIO JIMENEZ,)
DANIEL JOE BOBIAN,)
JOSE MANUEL AGUILERA BARBOSA,)
)
Defendants.)
_____)

2:20-CR-35-JAM

STIPULATION AND ORDER
TO CONTINUE STATUS
CONFERENCE, AND TO EXCLUDE
TIME

STIPULATION

Plaintiff, United States of America, by and through its counsel, Assistant United States Attorney James R. Conolly, and defendant, Daniel Joe Bobian, by and through his counsel, Jennifer Mouzis, agree and stipulate to vacate the date set for status conference, May 10, 2022 at 9:30 a.m., in the above-captioned matter, and to set a change of plea hearing to June 21, 2022 at 9:30 a.m. in the courtroom of the Honorable John A. Mendez. Defendant Jose Manuel Aguilera BARBOSA has not yet appeared in this matter, and therefore does not join in this stipulation.

1. The parties agree and stipulate, and request that the Court find the following:

a) The government has produced 100 pages of discovery associated with this case,

1 including law enforcement reports, photographs, as well as investigative reports.

2 b) Counsel for defendant will need time to consult with their clients, review
3 discovery, investigate evidence and potential defense strategies, and otherwise prepare for trial.

4 c) Counsel for the defendant believes that failure to grant the above-requested
5 continuance would deny them the reasonable time necessary for effective preparation, taking into
6 account the exercise of due diligence.

7 d) The government does not object to the continuance.

8 e) Based on the above-stated findings, the ends of justice served by continuing the
9 case as requested outweigh the interest of the public and the defendants in a trial within the
10 original date prescribed by the Speedy Trial Act.

11 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
12 et seq., within which trial must commence, the time period of February 25, 2022 to May 10,
13 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
14 T4] because it results from a continuance granted by the Court at defendant's request on the basis
15 of the Court's finding that the ends of justice served by taking such action outweigh the best
16 interest of the public and the defendant in a speedy trial.

17 2. Nothing in this stipulation and order shall preclude a finding that other provisions of the
18 Speedy Trial Act dictate that additional time periods are excludable from the period within which
19 a trial must commence.
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Accordingly, the parties respectfully request the Court adopt this proposed stipulation.

IT IS SO STIPULATED.

Dated: May 6, 2022

PHILLIP A. TALBERT
United States Attorney

By: /s/ James R. Conolly
JAMES R. CONOLLY
Assistant United States Attorney

Dated: May 6, 2022

/s/ Jennifer Mouzis
JENNIFER MOUZIS
Attorney for Defendant
DANIEL JOE BOBIAN

ORDER

IT IS HEREBY ORDERED, the Court having received, read, and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order. The Court specifically finds the failure to grant a continuance in this case would deny counsel reasonable time necessary for effective preparation, considering the exercise of due diligence. The Court finds the ends of justice are served by granting the requested continuance and outweigh the best interest of the public and defendants in a speedy trial.

The Court orders from the time of the parties' stipulation, May 6, 2022, up to and including June 21, 2022, shall be excluded from computation of time within which the trial of this case must be commenced under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv) [reasonable time for counsel to prepare] and General Order 479 [Local Code T4]. **It is further ordered** the May 10, 2022 status conference shall be vacated and a change of plea hearing set for June 21, 2022, at 9:30 a.m.

Dated: May 6, 2022

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE